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Vi Healthcare Finance, Inc., Medflow P.C., and Tulare Asset Management, LLC

**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

In re:

## SOUTHERN INYO HEALTHCARE DISTRICT,

**Debtor.**

Case No. 16-10015-A-9

Chapter 9

DC NO.: KDG-5

Date: November 29, 2018  
Time: 1:30 p.m.  
Place United States Bankruptcy Court  
2500 Tulare Street, Fifth Floor  
Department A, Courtroom 11  
Fresno, California  
Judge: Honorable Fredrick E. Clement

**MOTION TO QUASH OR FOR PROTECTIVE ORDER REGARDING  
SUBPOENA TO BAKER & HOSTETLER LLP**

**TO THE HONORABLE FREDRICK E. CLEMENT, UNITED STATES BANKRUPTCY JUDGE:**

26                   The Motion to Quash or For Protective Order Regarding Subpoena to Baker & Hostetler  
27 LLP (the “Motion”) filed by HealthCare Conglomerate Associates, LLC (“HCCA”) and Vi  
28 Healthcare Finance, Inc., Medflow P.C., and Tulare Asset Management, LLC (collectively, the

1 "Benzeevi Group"), represents as follows:

2 This Motion is brought pursuant to Federal Rule of Civil Procedure 45, and also implicates  
3 California Rules of Professional Conduct Rule 3-310, Local Bankruptcy Rule ("LBR") 1001-1(c)  
4 and Rule 180 of the Local Rules of Practice for the United States District Court for the Eastern  
5 District of California and applicable case law.

6 The Motion seeks an order of the Court quashing a subpoena purportedly served on October  
7 29, 2018 (the "Subpoena"), by debtor Southern Inyo Healthcare District ("Debtor" or "Inyo") on  
8 the law firm of Baker & Hostetler ("Baker"), former counsel for the Benzeevi Group, seeking  
9 invoices for legal services performed by Baker for the Benzeevi Group from 2009 through 2017.  
10 These invoices are sought by Debtor and their counsel, Foley & Lardner, for the purpose of  
11 opposing the pending Motion for Disqualification. [See Bedoyan Decl., ¶ 9, filed concurrently].

12 The Motion is based on the grounds that the Subpoena is improper and must be quashed on  
13 the following grounds; (1) The Subpoena itself seeking documents concerning Ms. McDow's and  
14 Mr. Farivar's former clients is a direct adverse action representing a further violation of the  
15 continuing duty of loyalty by Ashley McDow and her associate, Fahim Farivar, formerly from  
16 Baker, and imputed to their firm Foley & Lardner; (2) The Subpoena seeks information protected  
17 by the attorney-client privilege and client confidentiality; (3) The Subpoena seeks documents which  
18 are irrelevant and unnecessary to ruling on the Motion for Disqualification, and is overbroad; and  
19 (4) the Subpoena seeks documents, the production and unrestricted use of which will potentially be  
20 prejudicial to HCCA's and Vi's interests as creditors and as defendants in the adversary action in  
21 this proceeding.

22 The Motion will be based on this Motion, the Notice of Hearing, the Memorandum of Points  
23 and Authorities in support of the Motion, the Declaration of Hagop T. Bedoyan, and the Exhibits  
24 in Support of the Declaration of Hagop T. Bedoyan, as well as any other documentary or oral  
25 evidence presented in reply or at the hearing on the Motion.

26 WHEREFORE, the Benzeevi Group moves the Court for an order:

27 1. Granting the *Motion to Quash or For Protective Order Regarding Subpoena to Baker*  
28 & Hostetler LLP, and

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1                   2. Granting such other and further relief as is just and proper.

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3                   Dated: November 6, 2018

4                   KLEIN, DENATALE, GOLDNER, COOPER,  
5                   ROSENLIEB & KIMBALL LLP

6                   By: /s/ Hagop T. Bedoyan

7                   HAGOP T. BEDOYAN,  
8                   Attorneys for HealthCare Conglomerate  
9                   Associates, LLC, Vi Healthcare Finance, Inc.,  
10                  Medflow P.C., and Tulare Asset Management,  
11                  LLC



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